COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1414 (S/S) of 2007

(Old Case No. 33266 of 1991)

Sri Om Deo Mishra, son of Sri Shiv Kumar Mishra Asstt. Teacher (C.T. Grade) Bazpur Cooperative Sugar Factory Inter College Bazpur, District Nainital.

.....Petitioner

Versus

1. President of Committee of Management, Bazpur Cooperative Sugar Factory, Inter College, Bazpur Nainital/General Manager the Bazpur Cooperative Sugar Factory Ltd. Bazpur Nainital.
2. The Bazpur Cooperative Sugar Factory Ltd. Bazpur Nainital through its General Manager.
3. State of U.P. through Secretary of Labour.

.....Respondents

Sri Lalit Belwal, learned counsel for the petitioner.
Sri H.M. Raturi, Learned Standing Counsel for the State.

Dated: 26.11.2007

Hon'ble P.C. Verma, J.

By means of this petition, the petitioner has prayed for revised pay scale of the teachers teaching in Junior High Schools in accordance with the Government Order dated 04.10.1989 w.e.f. 01.01.1986 as the petitioner is entitled for revised pay scale from the date of his appointment. The petitioner has relied on the decisions rendered by the Hon'ble Supreme Court in the case of **Vidya Dhar Pande** v. **Vidyut Grih Siksha Samiti and others,** reported in AIR 1989 Supreme Court 341 and **Manmohan Singh Jaitla** v. **Commissioner, Union Territory, Chandigarh and other** and **Amir Singh** v. **Deputy Commissioner and others** reported in AIR 1985 Supreme Court 364. The judgment rendered by the Apex Court in the case of Vidya Dhar Pande **(Supra)** was

relating to maintainability of the writ petition by seeking a writ of mandamus for grant of pay scale equal to the pay scale of the teachers of the aided Basic Schools, Junior High Schools which was payable to the teacher of the Junior High Schools run by the Government.

2. In the present case, the school is run by the Society of the employees of the Cooperative Sugar Factory. The institution is not on grant-in-aid. The Bazpur Cooperative Sugar Factory Ltd., which is a Central Cooperative Society, has not adopted the Government order dated 04.10.1989 by its resolution.

3. However, it has been stated in the writ petition that the part of the payment has been made to the petitioner on the revised pay scale and other teachers are also being paid salary on the revised pay scale as per the said Government Order. If this fact is true, the Government Order dated 4.10.1989 stands adopted by the Bazpur Cooperative Sugar Factory and the rest of the salary on the revised pay scale shall be paid to the petitioner within a period of one month from today.

4. The writ petition is disposed of with the aforesaid observations. No order as to costs.

(P.C. Verma, J.)

26.11.2007
RBS